

FILED
Clerk
District Court

JAN - 3 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Fermin M. Atalig personally
and in his official capacity.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ROSARIO DLG KUMAGAI

CIVIL ACTION NO. 05-0037

Plaintiff,

v.

PAMELA BROWN, a.k.a. PAMELA BROWN
BLACKBURN, personally and in her official
capacity as the Attorney General for the
Commonwealth of the Northern Mariana Islands;
FERMIN M. ATALIG, personally and in his
official capacity as Secretary of Finance;
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS; MARIA LOUDES
SEMAN ADA, personally and in her official
capacity as Executive Director for the
Commonwealth Development Authority,
COMMONWEALTH DEVELOPMENT
AUTHORITY; BANK OF GUAM; and JOHN
DOES ONE thru TEN.

**NOTICE OF MOTION AND MOTION
TO DISMISS**

Date: FEB - 9 2006

Time: 9:00 AM

Judge: Hon. Alex R. Munson

Defendants.

PLEASE TAKE NOTICE, that defendant Fermin M. Atalig, personally and in his
official capacity as Secretary of Commerce for the Commonwealth of the Northern Mariana
Islands, by and through his counsel, Benjamin L. DeMoux of the CNMI Office of the Attorney
General, will bring the attached motion for hearing the in the U.S. District Court for the District


1 of the Northern Mariana Islands, in Saipan, Commonwealth of the Northern Mariana Islands on
2 FEB - 9 2006, 2006, at 9 AM (am/pm).

3 **MOTION**

4 NOW COMES the above named defendant, by and through his attorney, to move this
5 Court to dismiss all portions of plaintiff's complaint aimed at the movant under Fed. R. Civ.
6 Pro. 12(b)(6) on the grounds that the complaint fails to state a claim upon which relief may be
7 granted. This motion is made pursuant to Fed. R. Civ. Pro. 12(b)(6) and is supported by the
8 accompanying Memorandum of Points and Authorities and the record in this case.

9 Date: January 3, 2005.

10 Respectfully submitted,
11 OFFICE OF THE ATTORNEY GENERAL

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13 By: 
14 Benjamin L. DeMoux
15 Assistant Attorney General
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